

## REMARKS

### REMARKS ON AMENDMENTS TO THE SPECIFICATION

The specification has been amended to correct some minor typographical and other errors in order to bring the application into shape for allowance and issuance. No new subject matter has been added. The specification has been amended as follows:

1. in the paragraph commencing at line 22 of page 4, at line 26 of page 4, inserting:
  - a) with after “those”; and
  - b) those with after “manifolds and”
2. in the paragraph commencing at line 34 of page 5, at line 19 of page 6, replacing ~~be~~ with by;
3. in the paragraph commencing at line 33 of page 10, at line 34 of page 10, replacing ~~of~~ with to;
4. in the paragraph commencing at line 20 of page 16, in line 30 of page 16, inserting to after “so as”; and
5. in the paragraph commencing at line 35 of page 18, at line 11 of page 19, deleting the second period, “.”;

### REMARKS ON AMENDMENTS TO THE CLAIMS

For clarity, the headings used in these remarks on amendments to the claims conform generally to the headings used by the Examiner with respect to objections and rejections in the Detailed Action.

## **Claim Rejections - 35 USC § 102**

The Examiner has rejected claims 1-3, 6, 7 and 11 as being anticipated by Grot (US Patent No. 6,428,921) and claims 14-17 as being anticipated by Kamoshita (US Patent No. 4,623,596).

The applicant does not accept that claims 1-3, 6, 7, 11 and 14-17 are anticipated by Grot and Kamoshita. However, in the interest of obtaining speedy allowance of the application and without prejudice to the applicant's right to re-assert claims 1-3, 6, 7, 11 and 14-17 in a subsequent application, claims 1-3, 6, 7, 11 and 14-17 have been cancelled.

## **Allowable Subject Matter**

At paragraph 5 of the Office Action Summary, it is stated that claims 4, 5, 8-13 and 18-39 are allowable over the prior art of record, and at paragraph 7, that claims 4, 5 and 8-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In the 30 July 2003 Office Action, claim 11 was identified as being both rejected and allowed. In a 22 October 2003 telephone discussion, the Examiner corrected this inconsistency and confirmed that claim 11 has been rejected under 35 USC § 102. Claim 11 has been cancelled as set out above.

Responsive to the objection to claims 4, 5, 8-10, 12 and 13, claim 4 has been amended to incorporate the limitations of claims 1, 2 and 3. Claim 5, as originally filed, is dependent from claim 4 and therefore has not been amended. Claims 8-10, 12 and 13 have been amended to be dependent from claim 4 (directly and indirectly) and applicant submits that although they have not been amended to incorporate the limitations of the

claims from which they were dependent as originally filed, they have been amended to be dependent from an allowable claim (amended claim 4) and thus are allowable. As well, erroneous claim dependencies in claims 10 and 13 have also been corrected.

Claims 4, 8-10, 12 and 13 have been amended as follows:

1. Claim 4 has been amended by replacing:

~~The cage of claim 3, wherein vertically-compressible springs are disposed between the jack screws and the pressure plate.~~

at lines 1 and 2 of the claim, with:

A solid cage for containing a stack of fuel cells, comprising

(A) a top end plate;

(B) a bottom end plate;

(C) at least two struts, each strut attached to the bottom end plate and the top end plate so as to fix the top and bottom end plates in a spaced-apart relationship, wherein the fuel cell stack can be disposed between the top and the bottom end plates, and between the struts;

(D) a pressure plate disposed between the fuel cell stack and the top end plate;

(E) jack screws and an array of threaded jack-screw holes through the top end plate, through which the jack screws are threaded for effecting a downward displacement of the pressure plate relative to the bottom end plate; and

(F) vertically-compressible springs disposed between the jack screws and the pressure plate

wherein, a compressive force to the fuel cell stack may be applied by downwardly displacing the pressure plate relative to the bottom end plate so as to apply a compressive force to the fuel cell stack as between the pressure plate and the bottom end plate.

2. Claim 8 has been amended by replacing 7 with 4 in line 1 of the claim.
3. Claim 9 has been amended by replacing 7 with 4 in line 1 of the claim.
4. Claim 10 has been amended by replacing 8 with 9 in line 1 of the claim.
5. Claim 12 has been amended by replacing 6 with 4 in line 1 of the claim.
6. Claim 13 has been amended by replacing ~~11~~ with 12 in line 1 of the claim.

### **Voluntary Claim Amendment**

Applicant has noted a claim dependency error in the originally-filed claims and has made the following correction:

1. Claim 28 has been amended by replacing 22 with 24 in line 1 of the claim.

Applicant requests allowance of this application. Applicant also requests that if the Examiner has any questions about this response, that the Examiner telephone Michael Cooper at (250) 389-0387.

Respectfully submitted,

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